

Chapter 15A PARKS AND OTHER PROPERTIES

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Sec. 15A-1. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the meaning given herein.

City Manager. The city manager of Gaithersburg or his designee.

Vehicle. Any wheeled conveyance, whether motor powered, animal-drawn or self-propelled, including trailers, but excluding baby carriages and strollers and vehicles in the service of the city.

(Ord. No. O-2-75, § 1)

Sec. 15A-2. Applicability.

The regulations contained in this chapter shall apply to all land and buildings in the city of which the city is owner or lessee, and all other land and buildings in the city including, but not limited to, land and buildings owned by the Montgomery County Board of Education, while being used for any program sponsored by the city and supervised by a city employee.

(Ord. No. O-2-75, § 2)

Sec. 15A-3. Damage to city property.

The following activities and conduct are prohibited within or upon property owned or under control of the city:

- (a) No person shall deliberately or negligently mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving, water line, sewer line, gas line, power line, telephone line, sign, notice, monument, stake, post, public art, boundary marker or other structures or equipment, facilities or property or appurtenances whatsoever.
- (b) No person shall construct or erect any building or structure of whatever

kind, whether permanent or temporary in character, or install any utility line, except pursuant to written permit issued by the city manager.

(c) No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

(d) No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant; nor attach any rope, wire or other contrivance to any tree or plant; nor dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(e) No person shall climb any tree or walk, stand or sit upon any monument, vase, fountain, public art, railing, fence or any other property not designated or customarily used for such purposes.

(f) No person shall tie or hitch a horse or other animal to any tree or plant.

(g) No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird, or remove or have in his possession the young of any wild animal or the eggs, nest or young of any reptile or bird.

(Ord. No. O-2-75, § 3; Ord. No. O-7-01, 4-2-01)

Sec. 15A-4. Sanitation.

(a) No person shall throw, discharge or otherwise place or cause to be placed in the waters of any pond, lake, stream, fountain or other body of water in any city property or in any stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(b) No person shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash, except in a receptacle designed therefor, or place any such item in any pond, lake, stream, fountain or other body of water.

(Ord. No. O-2-75, § 4; Ord. No. O-11-82; Ord. No. O-7-01, 4-2-01)

Sec. 15A-5. Fishing, golf, roller skating and similar activities.

(a) Fishing within city parks or other lands controlled by the city is permitted only in designated areas. All persons over the age of sixteen (16) must have a valid Maryland Fresh Water fishing license. All persons engaged in fishing within city parks or on lands of the city must comply with Maryland's recreational fishing requirements. Commercial fishing is prohibited.

(b) Playing or practicing golf within city parks or upon city lands is not permitted except in areas specifically designated for golf.

(c) Roller skating, roller blading, in-line skating, use of scooters and skateboarding is permitted within city parks and city lands only in areas designated for such use.

(Ord. No. O-2-75, § 5; Ord. No. O-7-01, 4-2-01)

Sec. 15A-6. Swimming; bathing; wading; boating.

No person shall swim, bathe, wade or operate a boat in any lake, pond, stream or other body of water except in areas specifically designated for such purpose and during the hours specified therefor by the city manager.

(Ord. No. O-2-75, § 6)

Sec. 15A-7. Alcoholic beverages.

(a) No alcoholic beverages may be consumed or sold except where such consumption or sale is authorized by permit issued by the city manager. Such permit may be issued by the manager only when he is satisfied that the use or sale proposed will not adversely affect the use and enjoyment by other persons of the public facility involved or of other properties. No such use or sale shall be permitted on land owned by the Montgomery County Board of Education or any facility designated by resolution of the city council.

(b) Beer and wine may be sold only at an event at which food is also served. No other alcoholic beverage shall be sold or offered for sale. In addition to sales by the drink, a beverage is "sold" within the meaning of this paragraph where it is served at an event for which an admission is charged even though no specific charge be made for the beverage.

(c) Repealed by Ordinance No. O-11-82.

(Ord. No. O-2-75, § 7; Ord. No. O-10-78; Ord. No. O-11-82)

Sec. 15A-8. Fireworks.

No person shall have in his possession or set off or otherwise cause to explode or discharge or burn any fireworks as that word is defined in the Annotated Code of Maryland; provided, that fireworks displays may be authorized by a written permit issued by the city manager.

(Ord. No. O-2-75, § 8)

Sec. 15A-9. Weapons.

No person other than a police officer or a city employee authorized to do so shall have in his possession any firearm, air-rifle, paint ball gun, spring-gun, bow and arrow, sling or other instrument capable of propelling a projectile with sufficient force to inflict injury, or any weapon designed to fire blank cartridges. This section shall not prohibit the possession and use of blank pistols by officials at permitted athletic events, nor shall it prohibit the possession and use of firearms or bows and arrows or other weapons for target shooting at places and times specifically designated for that purpose by the city manager.

(Ord. No. O-2-75, § 9; Ord. No. O-7-01, 4-2-01)

Sec. 15A-10. Camping.

Camping shall be permitted only pursuant to the terms of a written permit issued by the city manager.

(Ord. No. O-2-75, § 10)

Sec. 15A-11. Horseback riding.

The riding of horses or other animals within city parks or on city lands shall be prohibited unless specifically authorized by the city manager or his designee.

(Ord. No. O-2-75, § 11; Ord. No. O-7-01, 4-2-01)

Sec. 15A-12. Sledding; skiing; skating; snowboarding.

Sledding, tobogganing, snowboarding, skiing, skating or the use of other vehicles and equipment designed to move over snow or ice shall be permitted in city parks or upon land controlled by the city only at places and times specifically designated therefor by the city manager. Snowmobiles are not permitted.

(Ord. No. O-2-75, § 12; Ord. No. O-7-01, 4-2-01)

Sec. 15A-13. Picnics; fires.

Picnics or other preparation or consumption of food shall be permitted only in areas specifically designated for that purpose by the city manager. Fires shall be permitted only in fireplaces provided by the city for that purpose; except, that cooking on charcoal grills or stoves using gas or other liquid fuels shall be permitted in designated picnic areas. Refuse remaining after the use of designated picnic areas shall be removed or deposited by the user in receptacles provided for that purpose by the city.

(Ord. No. O-2-75, § 13)

Sec. 15A-14. Commercial activity on park property.

Solicitation of any business, trade or occupation upon city park property or on property controlled by the city is prohibited unless authorized by permit issued by the city manager or his designee. This includes conducting class instruction for a fee and the taking of photographs and/or videos for commercial use.

(Ord. No. O-2-75, § 14; Ord. No. O-7-01, 4-2-01)

Sec. 15A-15. Permits.

(a) The city manager may, from time to time, designate certain facilities which may be used only pursuant to a permit issued by him. Use of any such facility without such a permit shall be a violation of this chapter.

(b) In addition to the permits required by this chapter, the city manager is authorized, in his discretion, upon request, to issue a permit for the use of any facility, which permit shall entitle the permittee to the exclusive use of such facility during the time period specified in such permit. Refusal by any person other than the permittee or other person acting with the consent of the permittee to desist from the use of such facility during such specified time period shall be a violation of this chapter.

(c) Permits for the use of facilities shall be issued on a first come, first served, basis except where the city manager shall determine that the public interest requires otherwise.

(d) The city manager or his designee shall have the right to revoke a permit or to refuse to issue a permit where the permittee or applicant for a permit has violated any provision of this chapter, or where such revocation is necessary for reasons of public health, safety, or welfare.

(e) The acceptance of a permit issued pursuant to this chapter shall constitute an agreement on the part of the permittee to pay to the city, upon demand, the reasonable cost of repair of any damage caused to any real or personal property therein by the permittee or any person present at the invitation, express or implied, of the permittee, and the cost of removing any refuse left by any such person.

(f) The city manager may require the applicant for a permit, as a condition precedent to the issuance of the permit, to deposit with the city cash or corporate bond in any amount to be determined by the city manager to provide for the payment of any sum required to be paid pursuant to the preceding paragraph.

(Ord. No. O-2-75, § 15; Ord. No. O-7-01, 4-2-01)

Sec. 15A-16. Hours and intended use of park property.

(a) City properties shall be open to the public between the hours from sunrise to sunset of each day unless different hours are established by general or specific notification made by the city manager.

(b) Any section or part of any city property may be declared closed to the public by the city manager at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or for certain uses, as the city manager shall find necessary.

(c) No person shall be on park property from sunset to sunrise unless that facility is officially open for public use.

(d) Use of park property for other than intended purposes is prohibited without prior authorization by the city manager or his designee. City Hall Concert Pavilion, Main Street Pavilion, and other designated facilities are reserved for city sponsored events only. Any exception must be approved in writing by the city manager or his designee.

(Ord. No. O-2-75, § 16; Ord. No. O-7-01, 4-2-01)

Sec. 15A-17. Dog exercise areas.

Dog exercise areas are city designated membership-only fence enclosed facilities owned or operated by the city specifically intended for dogs to acquire owner/custodian supervised "off leash" exercise.

(a) It shall be unlawful to:

1. Enter or remain on the facility at hours other than the city designated hours of usage.
2. Enter or remain on the facility with more than two (2) dogs per individual.
3. Fail to immediately remove from the facility any dog showing

aggression towards people or other dogs in the facility.

4. Fail to immediately remove from the facility any dog that barks continuously or uncontrollably.
5. Enter or remain on the facility with a female dog "in estrus."
6. Enter or remain on the facility with a dog not currently vaccinated against rabies.
7. Enter or remain on the facility with a dog younger than four (4) months of age.
8. Fail to immediately leash and restrain a dog in the facility when advised to do so by a city official.
9. Fail to abide by the rules and regulations posted at the entrance of the facility.
10. Fail to immediately depart the facility when ordered to do so by a city official.
11. Enter on or remain upon the facility without a valid city membership tag or a valid City of Gaithersburg pet license properly displayed on each dog or a current city authorized guest pass.

(b) Dog exercise areas require a valid membership to use each facility. Every owner that is a non-resident of the City of Gaithersburg shall acquire a membership or guest pass for each dog that wishes to enter onto and remain in a dog exercise area. Such membership shall be obtained from a person designated by the city manager to issue such membership. Applications for such membership shall include photo identification for each dog using the facility. Membership fees shall be established by resolution by the mayor and city council. Membership tags shall expire on the last day of the month one year from the month it was issued. A membership tag must be properly displayed on each said dog while it is inside a facility. City residents must acquire a City of Gaithersburg pet license that needs to be displayed on the dog while it is in a facility. It shall be unlawful to transfer a membership tag or to deface the tag in any manner. A membership tag shall become invalid with the transfer of the dog to a new owner. The city manager or his designee may revoke a membership at any time if an owner fails to abide by the rules and regulations of the facility or is in violation of any other provision of this chapter.

Failure to comply with these directives shall constitute grounds for the temporary or permanent banning of an individual and/or dog from the facility.

(Ord. No. O-7-01, 4-2-01)

Sec. 15A-18. Violations; injunctive relief.

Violations of section 15A-17 are declared to be municipal infractions and enforceable pursuant to the provisions of section 1-9 of the City Code. The maximum penalty of each initial and repeat violation shall be established by resolution of the city council.

Any person violating any other provision or requirement of this chapter shall be guilty of a misdemeanor, punishable as provided in section 1-7.

In addition thereto, the city may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this chapter or to correct violations of this chapter, any court of competent jurisdiction shall have the right to issue restraining orders,

temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief.

Any person who shall violate this chapter and shall thereby cause loss or damage to the city shall be liable to the city for the amount of such loss or damage.

In addition to causing arrests for violations of this chapter, the city manager shall have the authority to cause the removal of any person acting in violation of this chapter and to remove any property, thing or device used, left unattended, or possessed in violation of this chapter.

(Ord. No. O-3-80; Ord. No. O-11-82; Ord. No. O-7-01, 4-2-01)

Sec. 15A-19. Exemption of persons working on property.

These regulations are not intended to apply to city employees or employees of contractors employed by the city while working in or on city property pursuant to proper authority.

(Ord. No. O-2-75, § 19)